

FORM PTO-1390 (Modified)
(REV 10-95)

U.S. DEPARTM

COMMERCE PATENT AND TRADEMARK OFFICE

ATTIG DOCKET NUMBER

**TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US)
CONCERNING A FILING UNDER 35 U.S.C. 371**

10644-0001-2 PCT

U.S. APPLICATION NO. (IF KNOWN, SEE 37 CFR

09/445439

INTERNATIONAL APPLICATION NO.
PCT/EP97/03099INTERNATIONAL FILING DATE
June 13, 1997PRIORITY DATE CLAIMED
NONE

TITLE OF INVENTION

DRUG TARGETING SYSTEM, METHOD OF ITS PREPARATION AND ITS USE

APPLICANT(S) FOR DO/EO/US

Bernhard SABEL, et al.

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

1. This is a **FIRST** submission of items concerning a filing under 35 U.S.C. 371.
2. This is a **SECOND** or **SUBSEQUENT** submission of items concerning a filing under 35 U.S.C. 371.
3. This is an express request to begin national examination procedures (35 U.S.C. 371(f)) at any time rather than delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).
4. A proper Demand for International Preliminary Examination was made by the 19th month from the earliest claimed priority date.
5. A copy of the International Application as filed (35 U.S.C. 371 (c) (2))
 - a. is transmitted herewith (required only if not transmitted by the International Bureau).
 - b. has been transmitted by the International Bureau.
 - c. is not required, as the application was filed in the United States Receiving Office (RO/US).
6. A translation of the International Application into English (35 U.S.C. 371(c)(2)).
7. A copy of the International Search Report (PCT/ISA/210).
8. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371 (c)(3))
 - a. are transmitted herewith (required only if not transmitted by the International Bureau).
 - b. have been transmitted by the International Bureau.
 - c. have not been made; however, the time limit for making such amendments has NOT expired.
 - d. have not been made and will not be made.
9. A translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
10. An oath or declaration of the inventor(s) (35 U.S.C. 371 (c)(4)).
11. A copy of the International Preliminary Examination Report (PCT/IPEA/409).
12. A translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371 (c)(5)).

Items 13 to 18 below concern document(s) or information included:

13. An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
14. An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
15. A **FIRST** preliminary amendment.
- A SECOND or SUBSEQUENT** preliminary amendment.
16. A substitute specification.
17. A change of power of attorney and/or address letter.
18. Certificate of Mailing by Express Mail
19. Other items or information:

Request for Consideration of Documents Cited in International Search Report**Notice of Priority****Written Opinion**

U.S. APPLICATION NO. (IF KNOWN, SEE BACK) 09/44543	INTERNATIONAL APPLICATION NO. PCT/EP97/03099	ATTORNEY'S DOCKET NUMBER 10644-0001-2 PCT			
20. The following fees are submitted:		CALCULATIONS PTO USE ONLY			
BASIC NATIONAL FEE (37 CFR 1.492 (a) (1) - (5)) :					
<input checked="" type="checkbox"/> Search Report has been prepared by the EPO or JPO \$840.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) \$670.00 <input type="checkbox"/> No international preliminary examination fee paid to USPTO (37 CFR 1.482) but international search fee paid to USPTO (37 CFR 1.445(a)(2)) \$760.00 <input type="checkbox"/> Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$970.00 <input type="checkbox"/> International preliminary examination fee paid to USPTO (37 CFR 1.482) and all claims satisfied provisions of PCT Article 33(2)-(4) \$96.00					
ENTER APPROPRIATE BASIC FEE AMOUNT =		\$840.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than months from the earliest claimed priority date (37 CFR 1.492 (e)).		□ 20 <input checked="" type="checkbox"/> 30 \$130.00			
CLAIMS		NUMBER FILED	NUMBER EXTRA	RATE	
Total claims	- 20 =	0	x \$17.00	\$0.00	
Independent claims	- 3 =	0	x \$78.00	\$0.00	
Multiple Dependent Claims (check if applicable).			<input type="checkbox"/>	\$0.00	
		TOTAL OF ABOVE CALCULATIONS =		\$970.00	
Reduction of 1/2 for filing by small entity, if applicable. Verified Small Entity Statement must also be filed (Note 37 CFR 1.9, 1.27, 1.28) (check if applicable).			<input type="checkbox"/>	\$0.00	
		SUBTOTAL =		\$970.00	
Processing fee of \$130.00 for furnishing the English translation later than months from the earliest claimed priority date (37 CFR 1.492 (f)).		□ 20 <input type="checkbox"/> 30	+ <input type="checkbox"/>	\$0.00	
		TOTAL NATIONAL FEE =		\$970.00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31) (check if applicable).			<input type="checkbox"/>	\$0.00	
		TOTAL FEES ENCLOSED =		\$970.00	
				Amount to be: refunded	\$
				charged	\$
<p><input checked="" type="checkbox"/> A check in the amount of \$970.00 to cover the above fees is enclosed.</p> <p><input type="checkbox"/> Please charge my Deposit Account No. 15-0030 in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p><input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 15-0030 A duplicate copy of this sheet is enclosed.</p>					
<p>NOTE: Where an appropriate time limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.</p>					
<p>SEND ALL CORRESPONDENCE TO:</p> <p>OBLON, SPIVAK, McCLELLAND, MAIER & NEUSTADT, P.C. Crystal Square Five, Fourth Floor 1755 Jefferson Davis Highway Arlington, Virginia 22202 703-413-3000</p> <p>WILLIAM E. BEAUMONT REGISTRATION NUMBER 30,996</p>					
 SIGNATURE <p>Marvin J. Spivak</p> <p>NAME _____</p> <p>24,913</p> <p>REGISTRATION NUMBER</p> <p>December 13, 1999</p> <p>DATE</p>					

09/445439

DOCKET NO. 10644-0001-2 PCT

423 Rec'd PCT/PTO 13 DEC 1999

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Bernhard SABEL, et al.

SERIAL NUMBER: NEW U.S. PCT APPLICATION (based on PCT/EP97/03099)

FILED: HEREWITH

FOR: DRUG TARGETING SYSTEM, METHOD OF ITS PREPARATION AND ITS USE

**REQUEST FOR CONSIDERATION OF DOCUMENTS
CITED IN INTERNATIONAL SEARCH REPORT**

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

In the matter of the above-identified application for patent, notice is hereby given that applicant(s) request that the Examiner consider the documents cited in the International Search Report according to MPEP §609 and so indicate by a statement in the first Office Action that the information has been considered. When the Form PCT/DO/EO/903 indicates both the search report and copies of the documents are present in the national stage file, there is no requirement for the applicant(s) to submit them (1156 O.G. 91 November 23, 1993).

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



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